

1. (Amended) A flexible carry bag with fluid bladder comprising:

a carry bag generally oval in longitudinal cross section formed from two complimentary panels secured about a portion of said panels peripheries, thereby defining an opening proximate one end thereof and a cavity;

a pre-filled, resilient fluid bladder for containment of a fluid, generally oval in longitudinal cross section formed from two complimentary panels secured about said panels peripheries and defining an opening at one end thereof, said opening in said fluid bladder having a closure means formed thereon for the ~~filling of said fluid bladder and~~ dispensing from said fluid bladder, said fluid bladder shape being complimentary with said cavity of said carry bag;

a closure means secured to said carry bag for partial closure of said opening of said carry bag, said closure means secured to said carry bag permitting the insertion and removal of said fluid bladder, said closure means of said fluid bladder extending outwardly from said carry bag when said closure means of said carry bag is in a closed position.

2. (Amended) The flexible carry bag with fluid bladder in accordance with Claim 1 wherein said carry bag is kidney shaped and said fluid bladder ~~are kidney shaped~~ assumes a kidney shape when filled with fluid.

3. (Amended) The flexible carry bag and fluid bladder in accordance with Claim 1 wherein said closure means of secured to said carry bag is a flap permanently secured to one of said panels of said carry bag and means for securing to said opposing panel ~~by a hook and loop fastener means~~.

4. (Originally presented) A flexible carry bag with fluid bladder in accordance with Claim 1 wherein said closure means of said carry bag is a zipper securing opposing panels of said carry bag.

5. (Originally presented) A flexible carry bag with fluid bladder in accordance with Claim 1 wherein said fluid bladder is formed of polyethylene.

6. (Originally presented) The flexible carry bag with fluid bladder in accordance with Claim 1 wherein said closure means of said fluid bladder is a threaded closure.

7. (Originally presented) The flexible carry bag with fluid bladder in accordance with Claim 1 wherein said fluid bladder is disposable.

8. (Cancelled)

#### APPLICANT'S INVENTION

A flexible carry bag for the transport and consumption of fluid by an individual, the flexible carry bag defining a receptacle for a flexible bladder formed of flexible resilient plastic such as polyethylene having a closure means at one end and pre-filled with the fluid, this flexible bladder insertable within the flexible carry bag such that its closure extends out of said carry bag, carry bag having a closure to allow access thereto by the user, the flexible carry bag having a strap or clip for the transport of the flexible bladder and flexible carry bag by the user.

## THE REJECTION

The Abstract is objected to for improper language.

Claims 1 through 8 are rejected under 35 U.S.C. §112 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 3, and 6-8 are rejected under 35 U.S.C. §102(b) as being anticipated by DeLoach.

Claims 1, 2, and 6-8 are rejected under 35 U.S.C. §(b) as being anticipated by Hagert.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over DeLoach.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hagert.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hagert.

## DISCUSSION

Applicant has submitted a replacement Abstract addressing the objections by the Examiner to the Abstract as originally filed.

Applicant has addressed the rejection under 35 U.S.C. §112 and has amended the claims to overcome this rejection. In particular, Applicant has amended the claims to overcome the "means plus function" rejection by the Examiner.

Applicant has still further amended the claims to overcome the rejection based on the prior art references of DeLoach and Hagert as set forth hereafter.

As a result of the amendment to the claims, it is clear that Applicant's fluid bladder is a resilient bladder which becomes kidney-shaped when filled with fluid. DeLoach's bladder or container is a rigid container (column 6, line 3; column 7, line 12; Claim 17, line 2; and Claim 19, line 2). The container of DeLoach maintains its shape as fluid is dispensed and maintains its shape when completely devoid of fluid. Applicant's fluid bladder obtains its shape by being filled with fluid and as fluid is dispensed, the bladder collapses proportionately.

Hagert is attempting to fashion commercial Spanish bota which was originally fashioned by Spaniards, Portuguese and the Basque out of leather. Hagert maintains the leather outer

covering, but substitutes an internal flask for actually holding the fluid. Further, Hagert requires the flask to be rigid in order that the vessel will maintain its configuration (column 2, line 50-65).

Still further, Hagert encapsulates the internal flask with the leather covering by means of eyelets and lacing in order to attempt to duplicate the original Spanish Bota made completely of leather. Again, the flask of Hagert is designed to be reused over and over and not to be discarded after a single use.

Applicant respectfully submits that the teachings of DeLoach and Hagert do not anticipate, suggest or teach the disclosure of Applicant with respect to Applicant's flexible carry bag and fluid bladder. Applicant's fluid bladder is designed to be prefilled and enclosed with a safety tab. It is purchased by the consumer in this condition and inserted into Applicant's carry bag. The user can then dispense fluid as desired. Applicant's fluid bladder will reduce in size or collapse as fluid is dispensed, such that when all of the fluid is dispensed, Applicant's bladder would be shapeless. It is designed to be discarded and another prefilled bladder inserted into the carry bag. The containers of DeLoach and Hagert are rigid and reusable, whereas Applicant's bladder has no shape until filled with fluid and again become shapeless after the fluid has been dispensed.

Applicant respectfully submits that in light of the amendment to the claims and the discussion of Applicant's invention vis-à-vis the prior art cited, that Applicant's claims and Applicant's application are in condition for allowance and an early notice of same is respectfully solicited.

Respectfully submitted,

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